

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: ETHICON, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

(SEE ATTACHED SCHEDULE)

CONDITIONAL REMAND ORDER

The transferee court in this litigation has advised the Panel that coordinated or consolidated pretrial proceedings in the action(s) on this conditional remand order have been completed and that remand to the transferor court(s), as provided in 28 U.S.C. § 1407(a), is appropriate.

IT IS THEREFORE ORDERED that the action(s) on this conditional remand order be remanded to its/their respective transferor court(s).

IT IS ALSO ORDERED that, pursuant to Rule 10.2 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the transmittal of this order to the transferee clerk for filing shall be stayed 7 days from the date of this order. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel. This order does not become effective until it is filed in the office of the Clerk for the United States District Court for the Southern District of West Virginia.

IT IS FURTHER ORDERED that, pursuant to Rule 10.4(a), the parties shall furnish the Clerk for the Southern District of West Virginia with a stipulation or designation of the contents of the record to be remanded.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

Jan 27, 2020

CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:



John W. Nichols
Clerk of the Panel

**IN RE: ETHICON, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

SCHEDULE FOR CRO

TRANSFeree			TRANSFEROR			
<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	<u>CASE CAPTION</u>
WVS	2	15-13941	KYE	6	15-00095	Rose et al v. Robertson et al

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION**

**MDL 2327
CHIEFJUDGE JOHNSTON**

Katy Rose, et al. v. Robertson, et al.

2:15-cv-13941

ORDER AND SUGGESTION OF REMAND

Pursuant to 28 U.S.C. § 1407 and the Rules for Multidistrict Litigation promulgated thereunder, specifically Rule 10.1(b), the court suggests that this case be remanded to the United States District Court for the Eastern District of Kentucky. The case was transferred by the Judicial Panel on Multidistrict Litigation (“JPML”) and is related to MDL 2327 (“Ethicon MDL”), 2:12-md-2327, one of seven MDLs assigned to Judge Joseph R. Goodwin by the JPML. The seven MDLs combined totaled over 100,000 cases since inception.

During the pendency of this MDL litigation, Judge Goodwin developed a conflict in certain cases assigned to him, including this case. As a result, the JPML reassigned the case to me. Of the approximately 183 cases assigned to me, 6 remain. Of the remaining 6 cases, this case is ready to be remanded to the United States District Court for the Eastern District of Kentucky. In particular, no MDL defendants remain in this case. Only Susan Robertson, M.D. and Appalachian Regional Healthcare, Inc., non MDL defendants, remain. Moreover, the time to conduct discovery is complete. For the convenience of the parties and in order to promote the final resolution of this case, it appears to the court that the case would be more expeditiously concluded in the District

Court from which it came. *Upon remand, I urge the receiving court to immediately set the case for trial without reopening discovery.*

On or before **January 20, 2020 (7 days from the date of this order)**, the parties are **ORDERED** to confer and to file *in this case*, all documents from the main MDL that the parties jointly deem relevant to constitute an appropriate record for the receiving court to consider. When filing the documents from the main MDL, the parties are directed to use the CM/ECF event entitled “Designation of Record for MDL Transfers” (available under Civil > Other Filings > Other Documents). When completing the event, the “Main Document” should be the list of joint designations from the main MDL, and the “Attachments” should be each individual document on the joint designation list with the “Description” being the ECF number and a brief description of the document (i.e. ECF 96 – Defendant’s Motion for Summary Judgment).

The court **ORDERS** that upon receipt and filing of an order to remand from the Clerk of the JPML (hereinafter the “Transfer Date”), the Clerk of this court, pursuant to 28 U.S.C. § 1407, shall remand this case to the United States District Court for the Eastern District of Kentucky. If this case remains pending on the Transfer Date, it must be remanded, and the parties shall bear the consequences in the receiving court of any failure to prepare an appropriate record as directed in this order. The parties and the receiving court are advised that all Pretrial Orders entered in this matter are available for review on the court’s website at www.wvsc.uscourts.gov/MDL/2327/orders.html and the master docket sheet can be found on this court’s CM/ECF at 2:12-md-2327. *Finally, the court advises the parties that while the docket of this individual case will be remanded to the receiving court, it is the parties’ responsibility to follow the receiving court’s procedure for identifying any individual motions that remain pending and in need of ruling.*

On the Transfer Date, the Clerk is hereby **DIRECTED** to use the appropriate function in CM/ECF to extract this case and remand it to the Eastern District of Kentucky. After remand of the case, the Clerk is **DIRECTED** to formally close the case and strike it from the docket of this court.

It is so **ORDERED**.

The court further **DIRECTS** that a copy of this Order and Suggestion of Remand be filed in this case and sent to the Clerk of the MDL Panel and counsel of record or any unrepresented party.

ENTER: January 13, 2020



THOMAS E. JOHNSTON, CHIEF JUDGE

Tina Smith

From: JPMLCMECF@jpml.uscourts.gov
Sent: Monday, January 27, 2020 9:57 AM
To: JPMLCMDECF
Subject: Activity in Case MDL No. 2327 IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation
CRO Final Minute Order (Clerks)

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United States

United States Judicial Panel on Multidistrict Litigation

Notice of Electronic Filing

The following transaction was entered on 1/27/2020 at 9:56 AM EST and filed on 1/27/2020

Case Name: IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

Case Number: [MDL No. 2327](#)

Filer:

Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Remand Order Finalized on 1/27/20. Please see pleading (19 in KYE/6:15-cv-00095, [3648] in MDL No. 2327).

A copy of the transferee court's Suggestion of Remand from the transferee court is attached to the Conditional Remand Order.

As stipulated in Rule 10.2(b) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, transmittal of the order has been stayed 7 days to give any party an opportunity to oppose the remand. The 7-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The order was entered pursuant to 28 U.S.C. 1407(a) which provides that each action so transferred by the Panel shall be remanded by the Panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred. Parties are to furnish S.D. West Virginia with a stipulation or designation of the contents of the record to be remanded and all necessary copies of any pleading or other matter filed to comply with the remand order.

Signed by Clerk of the Panel John W. Nichols on 1/27/2020.

Associated Cases: MDL No. 2327, KYE/6:15-cv-00095 (LAH)

Case Name: Rose et al v. Robertson et al

Case Number: [KYE/6:15-cv-00095](#)

Filer:

Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

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Signed by Clerk of the Panel John W. Nichols on 1/27/2020.

Associated Cases: MDL No. 2327, KYE/6:15-cv-00095 (LAH)

No public notice (electronic or otherwise) sent because the entry is private

Tina Smith

From: JPMLCMECF@jpml.uscourts.gov
Sent: Monday, January 27, 2020 9:56 AM
To: JPMLCMDECF
Subject: Activity in Case MDL No. 2327 IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

United States

United States Judicial Panel on Multidistrict Litigation

Notice of Electronic Filing

The following transaction was entered on 1/27/2020 at 9:55 AM EST and filed on 1/27/2020

Case Name: IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation
Case Number: [MDL No. 2327](#)
Filer:
Document Number: [3648](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (17 in KYE/6:15-cv-00095, [3643] in MDL No. 2327)) - 1 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel John W. Nichols on 1/27/2020.

(Attachments: # (1) Suggestion of Remand)

Associated Cases: MDL No. 2327, KYE/6:15-cv-00095 (LAH)

Case Name: Rose et al v. Robertson et al
Case Number: [KYE/6:15-cv-00095](#)
Filer:
Document Number: [19](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (17 in KYE/6:15-cv-00095, [3643] in MDL No. 2327)) - 1 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel John W. Nichols on 1/27/2020.

(Attachments: # [1] Suggestion of Remand)

Associated Cases: MDL No. 2327, KYE/6:15-cv-00095 (LAH)

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The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP JPMLStamp_ID=1090522767 [Date=1/27/2020] [FileNumber=966417-0]
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52e4f72c18d28dd32742e0c17e37ec10abe94318ecbe63c24a4a14951af]]

Document description: Suggestion of Remand

Original filename:n/a

Electronic document Stamp:

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8236dccfbfe348fc49ceb6283a1a45e432b6b1ae11a45550ef2f55205f4]]